

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION BY

02- R-1344

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF ONE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$127,500.00) PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, on July ___, 2002 the Georgia Environmental Protection Division (EPD) and the United States Environmental Protection Agency (EPA) made a written demand on the City for stipulated penalties concerning violations of the First Amended Consent Decree (1:98-CV-1956-TWT) consisting of 225 spills from the collection system of that 139 spills to water and 86 spills to dry land all occurring during the First Quarter of 2002; and

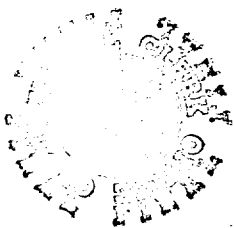
WHEREAS, under the First Amended Consent Decree the City is subject to stipulated penalties for sanitary sewer overflows (SSOs) to waters and dry land (1st Quarter 2002); and

WHEREAS, the Department of Public Works of the City does not dispute the fact that these violations did occur; and

WHEREAS, the payment to EPD and EPA of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01-529017-M51001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.



NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue checks in the amounts of Sixty Three Thousand Seven Hundred Fifty Dollars and 00/100 (\$63,750.00) payable to the **State of Georgia** and Sixty Three Thousand Seven Hundred Fifty Dollars (\$63,750.00) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the First Amended Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the Chief Financial Officer is authorized to pay interest due, if any, on the said stipulated penalties in accordance with the Consent Decree and First Amended Consent Decree; and

Section Three: That the said payments be chargeable to Account Number 2J01 529017 M51001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

AUG 19, 2002
AUG 26, 2002

RCS# 3932
8/19/02
4:22 PM

Atlanta City Council

Regular Session

02-R-1344 Auth. Payment of \$127,500 for penalties
 imposed by US EPA & GA EPD
 ADOPT ON CON

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	B Martin	Y Norwood
NV Young	Y Shook	Y Maddox	NV Willis
NV Winslow	Y Muller	Y Boazman	Y Woolard

02-R-1344

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(Do Not Write Above This Line)

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ADOPTED BY
AUG 19 2002
COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee CITY UTILITIES
Date July 30, 2002
Chair Oliver Muller
Action: _____
Fav/Adv Hold (see rev. side) _____
Other: ON CONDITION
Members [Signature]
Carla Smith
[Signature]
Refer To _____

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

[Signature]
AUG 19 2002
[Signature]

[Signature]
AUG 19 2002
[Signature]

MAYOR'S ACTION

[Signature]
AUG 26 2002
MAYOR